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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

		Application Number	09/679,688
		Filing Date	October 5, 2000
		First Named Inventor	LIPSCOMB et al.
		Art Unit	2142
		Examiner Name	Prieto, Beatriz
Total Number of Pages in This Submission	6	Attorney Docket Number	26001.1001

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): PTO 2038 Credit Card Authorization
<input type="checkbox"/> Remarks Comments on Statement for Reasons for Allowance included		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Lava Group Law by Smith & Frohwein, LLC	
Signature		
Date	Aug. 29, 2005	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

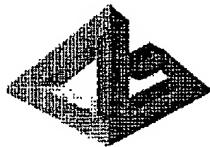
Typed or printed name	Gregory Scott Smith	
Signature		Date Aug. 29, 2005

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LAVA GROUP
Engineering Design Solutions

FACSIMILE TRANSMITTAL

MAIL STOP : ISSUE FEE **FROM** : Gregory S. Smith
EXAMINER : PRIETO, Beatriz **FAXED ON** : August 29, 2005
FACSIMILE : (703) 406-4000 **LAVA GROUP FILE #:** 26001.1001
PHONE : (703) 305-9655
SUBJECT : Payment of Issue Fee for Serial Number 09/679,688 filed on October 5, 2001

This Transmission Includes the Following Items

	Item being transmitted	Pages
<input checked="" type="checkbox"/>	Transmittal with Comments on Statement of Reasons for Allowance	4
<input checked="" type="checkbox"/>	Part B - Fees Transmittal Form	1
<input checked="" type="checkbox"/>	PTO 2038 Credit Card Authorization	1
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
	Total Pages Including Cover Sheet	7

COMMENTS:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Kenneth O. Lipscomb

§

Group Art Unit: 2142
Examiner: PRIETO, BeatrizSerial No.: **09/679,688**

§

Atty. Docket #: **26001.1001**Filed: **October 5, 2000**

§

Title: **SYSTEM AND METHOD FOR
DISTRIBUTING MEDIA ASSETS
TO USER DEVICES VIA A PORTAL
SYNCHRONIZED BY SAID USER
DEVICES**

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**PAYMENT OF ISSUE FEE AND
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Office:

On May 27, 2005 the Office mailed a Notice of Allowance and Fees(s) Due along with a Notice of Allowability. This filing is in response to the Notice of Allowance and Fee(s) due and includes the following items:

Fee(s) Transmittal Form

Credit Card Authorization Form (PTO-2038) and

Comments on Statement for Reasons for Allowance

BEST AVAILABLE COPY**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

In the Notice of Allowability, the Office has set forth various reasons for allowance and made certain allegations pertaining to various references.

It is hereby acknowledged that the positions taken in the examiner's statement of reasons for allowance is the personal opinion of the examiner as to why the claims are allowable. In accordance with MPEP 1304.14, the examiner's statement should not create an estoppel. But rather, only the applicant's statements should create an estoppel. In addition, the failure of the applicant to comment on the examiner's statement of reasons for allowance, or any portion thereof, should not be treated as acquiescence to the examiner's statement. Any inferences or presumptions are to be determined on a case-by-case basis by a court reviewing the patent, the USPTO examining the patent in a reissue application or a reexamination proceeding, the Board of Patent Appeals and Interferences reviewing the patent in an interference proceeding, etc.

Although the applicant acknowledges and agrees with the examiner's stated reasons for allowance of the pending claims, the applicant does not concede or admit that the examiner's stated reasons are the only reasons for allowability of the claims or the allowability of other claims based on the application that have either been previously presented or are subsequently presented in a continuation or continuation-in-part application.

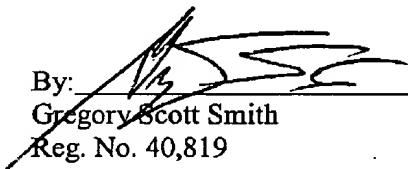
MPEP 1304.14 also establishes that the applicant may set forth his or her position if he or she disagrees with the examiner's reasons for allowance. In general, the

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applicant hereby affirms each of the positions that the applicant has taken during the prosecution of this application.

If there are any questions, applicant respectfully requests the Office to call the applicant's attorney.

Respectfully submitted,

By: 
Gregory Scott Smith
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